

Message

From: Hurl, Kathy [Hurl.Kathy@epa.gov]
Sent: 6/1/2018 3:50:00 AM
To: Hurl, Kathy [Hurl.Kathy@epa.gov]
Subject: Fw: (B)(1) Guidelines review & meeting
Attachments: 404 Cross Walk 6-22 consistent equivalent.xls

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----- Forwarded by Kathy Hurl/DC/USEPA/US on 05/31/2018 11:49 PM -----

From: Annette Poliwka/DC/USEPA/US
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Date: 06/23/2010 04:52 PM
Subject: (B)(1) Guidelines review & meeting

Hello-

As you know, ECOS is coordinating a discussion on the States/ Tribes Assumption of the 404(b)(1) guidelines. The sections that are currently being reviewed are: 40 CFR 230.10 and 33 CFR 320.4 (b)(4) Subparts A and B. We volunteered to specifically look at 40 CFR 230.10 (a-b) Subpart B, to give an initial read if we see this as a standard of "equivalent to" or "consistent with." We are using these terms in a general, not legal sense.

Equivalent to= must do

Consistent with= must reach the outcome, but can be flexible with strategy

Ex. 5 Deliberative Process (DP)

I am attaching the summary/spreadsheet of the guidelines. In the left hand column, you will find the words "equivalent," or "consistent." Please let me know if you disagree with any of our determinations. Refer to this link as a reference to the guidelines (click on Subpart B): http://ceres.ca.gov/wetlands/permitting/404/epa_guidelines_230.html#B

Based on our discussion, Kathy and I will create talking points for Dave for the next ECOS call, on July 7th.



404 Cross Walk
6-22 consistent e...

Thank You,

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